IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 21555 of 2004

Between:

Tella Saraswathamma, W/o Late T. Ch. Appi Reddy,
R/o Gandepalli Village, Kanchikacherla Mandal, Krishna

District.

... PETITIONER

AND

1 The Mandal Revenue Officer, Kanchikacherla Mandal, Krishna

District.
2 The Revenue Divisional Officer, Vijayawada,Krishna District.
3 The District Collector, Machilipatnam, Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more in the nature of Writ of Mandamus to declare the action of the respondents in not passing the supplementary award for payment of compensation for the value of well in terms of the award No. 2/89, dated 30-3-89 as arbitrary illegal and consequently direct the respondents to pay the compensation for the value of the well situated in R.S.No. 26, Keesara village, in terms of the Award No. 2/89 dt. 30-3-89 with all consequential benefits in the interest of justice.

Counsel for the Petitioner: MR.P.NAGENDRA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed to declare the action of the respondents in not passing the supplementary award for payment of compensation for the value of well in terms of the Award No.2/89 dated 30-03-1989 as arbitrary and illegal and to direct the respondents to pay the compensation for the value of well situated in R.C.No.26, Keesara Village, in terms of the said award.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents, and with their consent, the writ petition is being disposed of finally, at the stage of admission.

3. Petitioner claims to be the owner of an agricultural land to an extent of Ac.2.68 cents in R.S.No.26 of Keesara Village, which had been acquired by the Government for the purpose of granting house site pattas to the flood victims. It is stated that a notification dated 08-01-1987 under Section 4 (1) of the Land Acquisition Act (for short 'the Act') had been issued for acquiring Ac.13.84 cents dispensing with the enquiry under Section 5 (A) of the Act in view of the urgency in providing house sites and to take up the construction of the colony. The land under acquisition was taken advance possession on 16-02-1989. Thereafter, Award No.2/89 dated
30-03-1989 was passed, fixing compensation of Rs.32,000/- per acre. It is the case of the petitioner that though a well is situated in the land under acquisition, the authorities did not fix the compensation as the value of the well is not received, specifically mentioning that the value of the well would be awarded in a supplemental award soon after the estimation is finalized by the Deputy Executive Engineer, Panchayat Raj. It is further stated that as per the instructions of the third respondent dated 08-01-1987, the first respondent requested the Deputy Executive Engineer, Panchayat Raj, Kanchikacherla to estimate the value of the well, who estimated it for Rs.26,792 and informed the same to the first respondent through communication dated 06-04-1987, who in turn informed the value of the well to the Deputy Director, Social Welfare, Machilipatnam, vide Proceedings dated 10-04-1987.

4. It is alleged that though the petitioner requested the respondents to pass supplementary award in terms of the observations made in Award No.2/89 and pay compensation for the well with all consequential benefits, till now, respondents did not pay compensation. Aggrieved by the inaction on the part of the respondents, petitioner said to have issued a notice dated
01-06-2001 requesting the respondent to pay the compensation within a period of ten days thereof, which was received by the respondent, who called upon the petitioner to submit the records on 07-07-2001 at 10.00 a.m. The petitioner said to have appeared before the first respondent and submitted the relevant records, but it is alleged, that so far no action whatsoever has been taken to pay the compensation.

5. Respondents filed counter affidavit stating that petitioner appeared on 07-07-2004 and submitted a copy of Award No.2/89; since the file could not be traced out at that time, petitioner was informed that soon after the file is traced out, immediate action would be taken in the matter. Learned Government Pleader, on instructions, submits that, now the file is traced out and the respondents would consider the case of the petitioner.

6. In view of the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with the following direction.

7. The first respondent – Mandal Revenue Officer is hereby directed to determine and pay the compensation, if any, payable to the petitioner, by passing supplementary award, within a period of three months from the date of receipt of a copy of this order.

-

The writ petition is accordingly disposed of at the admission stage.

_____

N.V. R A M A N A, J

December 23, 2004

MRR / TVK

To:

1 The Mandal Revenue Officer, Kanchikacherla Mandal, Krishna

District.
2 The Revenue Divisional Officer, Vijayawada,Krishna District.
3 The District Collector, Machilipatnam, Krishna District.

4 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

5 Two C.D. copies.